REMARKS/ARGUMENTS

Claims 1-2, 13 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,458,601. Specifically, regarding claims 1-2, 13 and 15 the Examiner states:

> Nevetrali teaches the detection of various points along the ecg waveform including the beginning and the end of the QRS complex of the waveform. The waveform can be statistically treated by averaging (box 550) and eventually compared to a threshold (box 850) to determine whether tachycardia is present.

Applicant respectfully traverses the Examiner's rejection and submits that claims 1-2, 13 and 15 are not anticipated by U.S. Patent No. 4,458,601 (Nevetrali). While Applicant admits that both the present invention and Nevetrali concern the processing of ECG waveforms, there is no mention that the system and method disclosed in Nevetrali detects the beginning of an intrinsic ventricular depolarization and the ending of an intrinsic ventricular depolarization to acquire a measurement of an interval between the beginning of an intrinsic ventricular depolarization and the ending of an intrinsic ventricular depolarization, which is then compared to a threshold. To the contrary, Nevetrali discloses that the system determines the duration of the QRS portion of an ECG signal, provides a second reference signal for VT prediction, and compares the determined duration to the second reference signal. See Abstract of U.S. Patent No. 4,458,691 (Nevetrali) A prediction of ventricular tachycardia is indicated responsive to the second comparison. Id.

The Examiner represents that "Nevetrali teaches the detection of various points along the ecg waveform including the beginning and the end of the QRS complex of the waveform." Applicant respectfully submits that this assertion does not set forth the elements of the method disclosed in claim 1 of detecting the beginning of an intrinsic ventricular depolarization and the ending of an intrinsic ventricular depolarization to acquire a measurement of an interval between the beginning of an intrinsic ventricular depolarization and the ending of an intrinsic ventricular depolarization. Moreover, as set forth on page 6 lines 1-9 of the specification of the present application:

> the method of the present disclosure predicts a patient's response to CRT by measuring and comparing an intrinsic ventricular depolarization period against a threshold. As will become apparent from the discussion below in connection with the various drawings, the ventricular depolarization period may be measured by finding a beginning and ending of the depolarization through processing of an intracardiac signal to find a beginning value Q* and an ending value S*. However, those of ordinary skill in the art will readily appreciate that the method of the present disclosure can be implemented using any suitable beginning and ending value, which may or may not be found by employing various methods for measuring Q* and S*.

The present invention is more than a comparison of the QRS signal to previously stored value. It is an initial determination of the beginning and ending points of the ventricular depolarization period and determination of the duration of ventricular depolarization, followed by a comparison of the determined duration to a duration that was previously stored. Nevetrali does not disclose any methodology corresponding to these method steps. Accordingly applicant respectfully submits that Nevetrali does not anticipate claim 1, which is now claim 5.

Regarding claim amended claim 1, Applicant respectfully submits that claim 1 is in condition for allowance in view of the amendments to claim 1 which was to incorporate all of the allowable subject matter from claim 5 into claim 1. Claim 5, which the Examiner indicated was allowable subject matter, has been rewritten in independent form and is now amended claim 1, which includes all the limitation of the base claim in accordance with the Examiner's suggestion. Regarding claims 2-4 and 11-18, Applicant submits that claims 2-4 and 11-18 are in condition for allowance by virtue of their dependency on amended claim 1. Accordingly, Applicant respectfully request reconsideration of the rejections and objections to the claims 1-18.

Regarding the rejection of claims 3-4, 11-12, and 16-18, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 4,458,601 issued to Nevetrali, Applicant respectfully submits that in view of the amendment to claim 1, the rejection of claims 3-4, 11-12, and 16-18 is moot, in view of the fact that claim 1, upon which these claims depend, is now in condition for allowance.

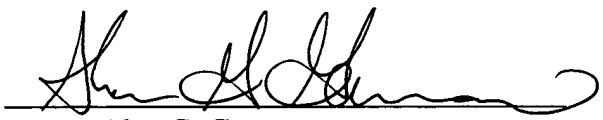
CONCLUSION

Should the Examiner have any questions or comments, please contact the undersigned at 404-954-5100.

Respectfully submitted,

MERCHANT & GOULD, LLC

Date: January 5, 2005



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